

Remarks/Arguments

Claims 10 and 20 to 22 are pending. Claims 10 and 20 have been amended. Claims 1 to 9 and 11 to 19 have been cancelled. Support for new Claim 21 is found in Figures 11, 12 and 15, and on page 13, lines 12 to 16, page 14, lines 3 and 4, and page 21, line 7. New Claim 22 is supported in Figures 11, 12 and 15, and on page 13, lines 3 and 4, page 20, line 14, and page 21, line 5.

Claims 1 to 20 have been rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,682,649 (Greer). Applicants traverse this rejection.

While Claims 1 to 9 and 11 to 19 have been cancelled, applicants reserve the right to file a continuing/continuation application concerning such claims and the invention associated therewith.

The Office Action stated that, with regards to Claims 10 and 20, it would have been an obvious matter of design choice to place the enclosure under a door of the cab of the truck and has a step appendage, since the applicants have not disclosed that placing the enclosure under a door of the cab of the truck and having a step appendage solves any stated problem or is for any particular purpose, and it appears that the invention would perform equally well with the enclosure located in any part of the truck's frame. While applicants disagree with this statement as being incorrect in many ways, the Examiner's statement shows clearly that Greer does not anticipate any of Claims 10, 20, 21 and 22. This is a Section 102 anticipation rejection, not a Section 103 obviousness rejection. Section 102 requires that a single reference disclose all of the structure, limitations, etc., of a claim. Greer does not disclose all of the structure, limitation, etc., of any of applicants' Claims 10, 20, 21 and 22, and the Examiner's statement shows that Greer does not anticipate such claim. To say that something is "an obvious matter of design choice" is no substitute

for the missing facts in Greer required by Section 102 [and does not even support a Section 103(a) rejection].

It is requested that this rejection be withdrawn and allowed.

Applicants point out that another Examiner in applicants' USSN 10/926,027 earlier allowed Claims 10 and 20 in their present independent form and stated that what are now Claims 21 (independent) and 22 were allowable if placed in independent form.

Claims 2 to 5, 7, 12 to 15 and 17 have been objected to under 37 C.F.R. 1.75(c) as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicants traverse this objection as being incorrect and lacking any factual showing in the record. However, since such claims have been cancelled this objection is now moot.

Claims 1 to 20 have been rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. Applicants traverse this rejection as being incorrect.

Applicants point out that U.S. Patent No. 4,682,649 (Greer), that was cited and applied by the Examiner in the anticipation rejection, uses the recitation "means...for..." in its independent Claim 1. This shows that there is no antecedent problem with the present claims, and also shows that a claim does not have to specify by words preceding "means" (i.e., equivalents can be determined or ascertained as required by Section 112, sixth paragraph). Note that the Board decision that the Examiner cited to support his latter position has a date of 1967, which is two decades before Greer issued as a U.S. patent.

It is requested that this rejection be withdrawn.

Reconsideration, reexamination and allowance of the claims are requested.

Respectfully Submitted,

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Date

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on April 2, 2008.

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